

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
SOUTHERN DIVISION

RODRA DOOLEY,

Case No: 22-CV-12120

Hon:

Plaintiff,

v.

DOLLAR GENERAL

Lower Cort Case No: 22-009155-NO

a/k/a DOLGENCORP, LLC,
a Foreign Corporation,

Hon:

Defendant.

Barry J. Goodman (P29906)
Michelle T. Aaron (P73636)
Goodman Acker, PC
Attorneys for Plaintiff
17000 W. Ten Mile, 2nd Floor
Southfield, MI 48075
(248) 483-5000; Fax: (248) 483-3131
bgoodman@goodmanacker.com
maaron@goodmanacker.com

Richard G. Szymczak (P29230)
Plunkett Cooney
Attorney for Defendant
38505 Woodward Avenue - Suite 100
Bloomfield Hills, MI 48304
(810) 342-7007; Fax (248) 901-4040
rszymczak@plunkettcooney.com

NOTICE OF FILING REMOVAL

NOTICE OF REMOVAL TO FEDERAL COURT

VERIFICATION

CERTIFICATE OF SERVICE

PLUNKETT COONEY

By: /s/Richard G. Szymczak

Richard G. Szymczak (P29230)

Attorney for Defendant

38505 Woodward Avenue – Suite 100

Bloomfield Hills, MI 48304

(810) 342-7007

Dated: September 8, 2022

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
SOUTHERN DIVISION

RODRA DOOLEY,

Plaintiff,

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a/k/a DOLGENCORP, LLC,
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NOTICE OF FILING REMOVAL

TO: Barry J. Goodman, Esq.
17000 W. Ten Mile, 2nd Floor
Southfield, MI 48075

Wayne County Circuit Court
Clerk of the Court
2 Woodward Avenue
Detroit, MI 48226

PLEASE TAKE NOTICE that, pursuant to 28 USC §1441, Defendant DOLGENCORP, LLC, a Kentucky limited liability company, (hereinafter Defendant), has this day filed a Notice of Removal, a copy of which is attached hereto, in the office of the Clerk of the United States District Court, Eastern District of Michigan, Southern Division.

Respectfully submitted,

PLUNKETT COONEY

By: /s/ Richard G. Szymczak
RICHARD G. SZYMCZAK (P29230)
Attorney for Defendant
38505 Woodward Avenue, Suite 100
Bloomfield Hills, Michigan 48304
810-342-7007
rszymczak@plunkettcooney.com

Dated: September 8, 2022

PROOF OF SERVICE

The undersigned certifies that on the 8th day of September 2022, a copy of the foregoing document was served upon the attorney(s) of record in this matter at their stated business address as disclosed by the records herein via:

- | | |
|----------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Hand delivery | <input type="checkbox"/> Overnight mail |
| <input type="checkbox"/> U.S. Mail | <input type="checkbox"/> Facsimile |
| <input type="checkbox"/> Email | <input checked="" type="checkbox"/> Electronic e-file |

I declare under the penalty of perjury that the foregoing statement is true to the best of my information, knowledge and belief.

/s/ Della Dubovsky

Della Dubovsky

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NOTICE OF REMOVAL TO FEDERAL COURT

TO: Clerk of the Court
Barry J. Goodman, Esq.

PLEASE TAKE NOTICE that, pursuant to 28 USC §1441, Defendant

DOLGENCORP, LLC, a Kentucky Limited Liability Company, by its attorneys,

PLUNKETT COONEY, and pursuant to 28 USCA §1332, 1441 and 1446, files the within Notice of Removal as follows:

1. On or about June 27, 2020, there was commenced, and is now pending in the Circuit Court for the County of Wayne, State of Michigan, a certain civil action bearing case number 22-009155-NO, in which Rodra Dooley is the Plaintiff, and, Dolgencorp, LLC D/B/A Dollar General is the named Defendant.
2. A copy of Plaintiff's Complaint is attached as **Exhibit A**.
3. That service was effectuated on Defendant on or about August 11, 2022.
4. This action is a suit at common law of a civil nature, in which Plaintiff, Rodra Dooley claims that the Defendant's negligent acts caused her to sustain severe, permanent and progressive injuries, including, but not limited to:
 - a). Right knee including, but not limited to a vertical tear in the peripheral zone of the posterior horn of the medial meniscus, and tear of the medial collateral ligament of the right knee;
 - b). Right hip including, but not limited to a femoroacetabular impingement of the right hip;
 - c). back including, but not limited to L3/L4 disc bulges;
 - d). Contusions and abrasions;

- e). Severe shock, fright and mental anguish;
- f). Pain and suffering; and,
- g). Further injuries which have not been diagnosed or manifested themselves.

5. Plaintiff has received medical treatment for said injuries.

6. As set forth in her Complaint, Plaintiff makes a generalized demand in excess of Twenty-Five Thousand Dollars (\$25,000.00). However, Defendant anticipates that due to the nature and extent of her claims, Plaintiff seeks damages in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest, costs and attorney fees.

7. This action involves a controversy with complete diversity of citizenship between citizens of different states and therefore, satisfies the requirement set forth in 28 USCA §1332:

- a). Plaintiff is now and at the time of the commencement of this action, a resident and citizen of the State of Florida.
- b). Defendant is a Kentucky limited liability company with its principal place of business in Tennessee; it was not and is not a corporation created or organized under the laws of the State of Michigan, and does not have its principal place of business in Michigan. **(Exhibit B - Articles of Organization for Dolgencorp LLC).**
- c). The sole member of Dolgencorp LLC is Dollar General Corporation, a Tennessee corporation with its principal

place of business in Goodlettsville, Tennessee. **(Exhibit C – Business Entity Detail Dollar General Corporation)**

8. The instant lawsuit is a controversy with complete diversity and involving an amount in controversy of more than \$75,000.00 over which the Federal District Court of the United States has jurisdiction.

9. This Removal is timely made.

10. Written notice of filing of this Removal has been given to all parties as required by law and is attached hereto.

11. A true and correct copy of this Removal has been filed with the Clerk of the Court for the Circuit Court for the County of Wayne.

WHEREFORE Defendant, DOLGENCORP, LLC, respectfully requests this Honorable Court to remove this civil action from the Circuit Court for the County of Wayne, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division.

Respectfully submitted,

PLUNKETT COONEY

By: /s/ Richard G. Szymczak
RICHARD G. SZYMCZAK (P29230)
Attorney for Defendant
38505 Woodward Avenue, Suite 100
Bloomfield Hills, Michigan 48304
810-342-7007
rszymczak@plunkettcooney.com

Dated: September 8, 2022

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VERIFICATION

RICHARD G SZYMCZAK, first being duly sworn, states that he is the attorney
for Defendant and that the foregoing Notice of Removal is true in substance and in

fact to the best of his knowledge, information, and belief.

Respectfully submitted,

PLUNKETT COONEY

By: /s/ Richard G. Szymczak
RICHARD G. SZYMCZAK (P29230)
Attorney for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2022, I electronically filed
***Defendant's Notice of Filing Removal, Notice of Removal to Federal Court,
Verification, and Certificate of Service*** with the Clerk of the Court using the

ECF system, or in the alternative, I have mailed by United States Postal Service to any parties that are not ECF participants.

Respectfully submitted,

PLUNKETT COONEY

By: /s/ Richard G. Szymczak
RICHARD G. SZYMCHAK (P29230)
Attorney for Defendant
38505 Woodward Avenue, Suite 100
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Dated: September 8, 2022

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